

DRAFT

PROFFERS

UNIVERSITY CENTER

**Zoning Concept Plan Amendment
ZCPA 2006-0005**

June 1, 2006

Revised October 17, 2007

L0169322.DOC

ATTACHMENT 5

A-74

Table Of Contents

INTRODUCTION.....	1
PROFFERS	3
1. CONCEPT DEVELOPMENT PLAN (CDP).....	3
2. DEDICATION OF LAND, OPEN SPACE AND TRAILS	3
3. ROUTE 7 SETBACKS	3
6. FIRE AND RESCUE.....	6
7. ON-SITE AND OFF-SITE REGIONAL ROAD IMPROVEMENTS	7
8. TRANSPORTATION SYSTEM MANAGEMENT PROGRAM (TSM)	10
9. ON-SITE PUBLIC STREETS.....	11
10. HANDICAPPED ENCLAVE.....	11
11. TREE PRESERVATION PROGRAM	12
12. MASTER PLAN AND DESIGN COVENANTS	12
13. PRIVATE DRIVES	12
14. OPTION TO COUNTY TO PURCHASE PARCEL P-1 [PROFFER EXPIRED]	13
15. BINDING EFFECT	13
EXHIBIT A.....	21
EXHIBIT B	22

PROFFERS

UNIVERSITY CENTER

Zoning Concept Plan Amendment ZCPA 2006-0005

INTRODUCTION

COLLIN EQUITIES, INC., a Texas corporation, as the applicant and the owner of certain property described as Loudoun County Tax Map ("LCTM") Parcels 63E((16))-P (MCPI # 039-25-8839) and 63E((16))-P-1 (MCPI # 038-16-7329); together with THE GEORGE WASHINGTON UNIVERSITY, a federally chartered corporation, as owner of certain property described as LCTM 63E((3))-I2 (MCPI # 039-26-3557), 63E((3))-I4 (MCPI # 039-17-4565), and 63E((1))-N (MCPI # 039-27-5116); MERRITT-UC, LLC, a Maryland limited liability company, as owner of certain property described as LCTM 63E((13))-D (MCPI #039-45-3593) and LCTM 63E ((14)) CM, Units 1-34 and 59-100 (MCPI # 056-10-7652 001-034 and 059-100); Clarke-Hook Corporation, a District of Columbia corporation, as owner of property described as LCTM 63E ((15))-H1 (MCPI # 039-36-0846), LCTM 63E((15))-H2 (MCPI # 039-35-8157) and 63E((15))-H3 (MCPI #039-36-4529); MRP/TBG Associates, LLC, a Georgia Limited Liability Company, as owner of certain property described as LCTM 63E((16))-E (MCPI# 057-30-6159) and LCTM 63E ((16)) F (MCPI # 039-35-4929); Akhil Govil of Fairfax Station, Virginia, as owner of property described as 63E((2))-L1 (MCPI # 039-17-8435); and Geo Real Estate LLC, A Virginia Limited Liability Company as owner of LCTM 63E ((14)) CM Units 35-58 (MCPI # 056-10-7652 035-058) (these landowners shall be referred to, collectively, as the "Owners" and these parcels shall be referred to, collectively, as the "Property") hereby voluntarily proffer, pursuant to Section 15.2-2303 of the Code of Virginia (1950),

as amended, and the Zoning Ordinance of Loudoun County, Virginia, as amended, that, in the event the Zoning Concept Plan Amendment application as proposed in ZCPA 2006-0005 and as shown on the various components of the University Center Concept Development Plan, Sheets 7 through 13, dated April 2006 as revised through October 16, 2007, prepared by Dewberry & Davis, LLC (referred to as the "CDP"), which is incorporated herein by reference as Exhibit A, is approved, the development of the above-referenced parcels will be in substantial conformity with the following terms and conditions. These proffers supersede and replace any and all existing proffers which pertain to the Property and which have been previously proffered in ZMAP 1992-0004 and ZCPA 1992-0009 (approved 1/6/93), ZMAP 1993-0001 (approved 8/4/93), ZCPA 1993-0004 (approved 5/4/94), and ZCPA 2000-0009 (approved 12/02/02). Notwithstanding the above sentence, any and all zoning and subdivisions modifications for the PD-RDP zoned portions of University Center granted under the above-referenced prior zoning cases, plus the zoning modifications approved under ZMAP 86-29 (approved 11/7/88) shall remain in effect and applicable to the Property and are reenacted concurrent with approval of this application. All applicable modifications are attached to these proffers as Exhibit B. No other zoning change to the pre-existing zoning of the Property is being made by this ZCPA except for the amendments expressly stated in this ZCPA.

PROFFERS

1. CONCEPT DEVELOPMENT PLAN (CDP)

Development of the Property shall be in substantial conformity with Sheets 7, 8, 9, 10, 11, 12 and 13 of the CDP, prepared by Dewberry & Davis, LLC, dated April 2006 as revised through October 16, 2007. Development of the Property shall be limited to the Phase I Development Plan levels, as shown on Sheet 8 of the CDP, so long as the Presidential Drive intersection with Route 7 remains open for use by vehicular traffic. Development of the Property may increase to the Ultimate Development Plan levels, as shown on Sheet 7 of the CDP, once the grade-separated interchange between Route 7 and Loudoun County Parkway is open for use by vehicular traffic.

2. DEDICATION OF LAND, OPEN SPACE AND TRAILS

(A) [PROFFER FULFILLED]

(B) [PROFFER FULFILLED]

(C) [PROFFER FULFILLED]

(D) The trails shown on the Pedestrian Amenities Plan, included as Sheet 11 of the CDP, and described as the "Minimum 4' (foot) Wide Hard Paving With Finished Surface" trail shall be constructed concurrent with the development of each parcel that contains frontage along these trails. These trails will be included on the first site plan application for any parcel that includes frontage along these trails and shall be bonded as part of the approval of the site plan application.

3. ROUTE 7 SETBACKS

As depicted on the Setback Plan on Sheet 10 of the CDP, the Owners will maintain setbacks so that no building may be located within 300 feet of the existing right-of-way of Route 7 and no parking may be located within 100 feet of the existing right-of-way of Route 7. The site plans for Parcels I-4

and L-1 along Route 7 will conform to the unified and coordinated landscaped buffer located within the parking setback as depicted in the Route 7 Landscape Concept dated August 18, 1989, prepared by Land Design/Research, Inc. and approved as part of SPPL 1989-0055, University Center, Building L-1 on January 24, 1990. The landscape buffer, depicted in this Route 7 Landscape Concept, will be installed in conjunction with the development of these two lots along Route 7 and maintained by the University Center Owner's Association, Inc. pursuant to the Amended and Restated Declaration of Covenants, Conditions, Restrictions, Easements and Agreements for University Center recorded at Deed Book 1091, Page 1407 of the Loudoun County land records.

4. RETAIL DEVELOPMENT

(A) The Owners shall have the ability to establish retail uses on Parcels E, F, H-1, H-2, H-3 and P. The total retail square footage that may be constructed on Parcels E, F, H-1, H-2, H-3 and P shall not exceed 111,203 square feet under the Phase One Development Plan as described in Proffer #1 above and as depicted on Sheet 8 of the CDP. The total retail square footage that may be constructed on Parcels E, F, H-1, H-2, H-3 and P shall not exceed 116,224 square feet under the Ultimate Development Plan as described in Proffer #1 above and as depicted on Sheet 7 of the CDP. The maximum retail square footage that may be constructed on any one of these parcels shall not exceed eleven (11) percent of the maximum floor area permitted on that parcel. These uses may be located in freestanding buildings or located on the first floor of office buildings. No single retail use listed in (B) below shall exceed 20,000 net leasable square feet in size.

(B) The following retail uses shall be permitted to be located within Parcels E, F, H and P:

- (1) air express/courier facilities
- (2) data/copy services
- (3) messenger/delivery services

- (4) bakery/donut shops
- (5) dry cleaners and tailors
- (6) pharmacy stores
- (7) office supply stores
- (8) commercial operation of recreational services
- (9) personal service establishments
- (10) brokerage facilities
- (11) cookie, candy, and ice cream outlets
- (12) computer hardware and software, sales and service stores
- (13) book/card/stationery stores
- (14) engineering/ drafting supplies/ art supplies
- (15) gourmet/specialty shops
- (16) restaurants (including fast food restaurants with or without drive-through windows)
- (17) delicatessens
- (18) photographic processing and service facilities
- (19) travel agencies
- (20) postal service facilities
- (21) beauty/barber shops
- (22) florist shops
- (23) banks and financial institutions (including drive-through windows)
- (24) health and fitness centers
- (25) video stores

(C) Free-standing retail buildings shall not face Route 7 and shall be set back a minimum of 325 feet from the right-of-way of Route 7. Any free-standing retail buildings shall incorporate architectural features consistent with the corporate office design elements and materials of University Center in accord with the Design and Development Guidelines for University Center recorded at Deed Book 1091, Page 1587.

(D) The Owners shall maintain the landscaping previously installed within the 100 foot parking setback along the Route 7 frontage of Parcels I-4 and L-1 as depicted in the Route 7 Landscape Concept dated August 19, 1989, prepared by Land Design/Research, Inc. and approved as part of SPPL 1989-0005, University Center Building L-1 on January 24, 1990.

5. COORDINATION WITH POTOMAC FARMS

(A) The Owners shall preserve the existing variable width landscaped buffer within a fifty (50) foot setback located along the western edge of Parcel E immediately adjacent to Potomac Farms Subdivision, as shown on the University Center Parcel E Buffer Yard Treatment attached as Sheets 12 and 13 of the CDP, as well as install additional plantings as called for in the Buffer Yard Treatment plan. This landscape buffer will be maintained by the University Center Owner's Association, Inc. pursuant to the existing Amended and Restated Declaration of Covenants, Conditions, Restrictions, Easements and Agreements for University Center recorded at Deed Book 1091, Page 1497 of the Loudoun County land records.

(B) Landscaping along the western property boundary for Parcel E shall generally conform to the Parcel E Buffer Yard Treatment as shown on Sheets 12 and 13 of the CDP.

(C) [PROFFER FULFILLED]

6. FIRE AND RESCUE

(A) At the time zoning permits are issued for each building on the Property, the Owners shall make a contribution to the already established UNIVERSITY CENTER FIRE AND RESCUE TRUST FUND. The contribution shall be in the amount of \$0.05 per square foot of non-residential floor area constructed. This one-time contribution shall be adjusted annually with a base year of 1988 in accordance with the Consumer Price Index (CPI) published by the Bureau of Labor Statistics, U.S. Department of Labor. This contribution will be collected until such time as the primary fire and rescue services provided to the Property are no longer provided by volunteer companies. This obligation shall cease when the primary fire and rescue services provided to the Property are no longer provided by volunteer companies.

(B) All "habitable buildings," as defined in the Virginia Uniform Statewide Building Code, 2003 edition or as interpreted by the Loudoun County Zoning Administrator, housing a permitted principal use or special exception use on the Property shall be provided with full fire sprinkler protection or such other fire suppression system approved by the County Fire Marshal's Office. All hotels shall be provided with automatic fire alarm systems and all other buildings shall be provided with manual pull station fire alarm systems.

(C) During all construction stages, access for fire and rescue vehicles and adequate standpipe systems will be provided. This commitment does not relieve the Owners from complying with all other legal requirements relating to fire and rescue access and systems.

(D) Emergency access for fire and rescue vehicles satisfactory to the Fire Marshal will be provided at the framing stage of development for each parcel.

7. ON-SITE AND OFF-SITE REGIONAL ROAD IMPROVEMENTS

(A) The Owners shall construct/bond for construction or contribute to the following road improvements, as set forth in each respective proffer:

1. Loudoun County Parkway

Pay to the County the cash equivalent contribution for a four-lane divided roadway between Route 7 and George Washington Boulevard extended (See 2a. below), as shown on Sheet 7 of the CDP IN THE AMOUNT OF \$696,000 (Six Hundred Ninety Six Thousand Dollars) This contribution shall be used toward the construction of the grade-separated interchange of Route 7 and Loudoun County Parkway, which will include this segment of roadway. This cash contribution shall be submitted to the County within sixty days of the approval of this zoning concept plan amendment application.

2. George Washington Boulevard

Construct George Washington Boulevard as a four-lane divided roadway from its current terminus, west to its future intersection with Loudoun County Parkway extended (see 1a, above), as shown on Sheet 7 of the CDP, and pursuant to the approved Construction Plans and Profiles CPAP 2005-0128 that have been approved by the County and guaranteed by a bond. These plans were approved for a six-lane roadway.

3. Presidential Drive

The Owners shall request vacation of the public street right-of-way for Presidential Drive and the removal of the roadway from the VDOT secondary street system at such time as the grade separated interchange for Route 7/Loudoun County Parkway is open for traffic. The ownership of the vacated right-of-way shall revert to the respective owners of adjacent parcels F and P from the centerline of the vacated right-of-way for Presidential Drive. The owners of Parcels F and P, respectively for each parcel, shall be responsible for the removal of any pavement from Presidential Drive upon vacation of the right-of-way. The owner of Parcel F shall grant Parcel P a public access easement across Parcel F to access the George Washington Boulevard entrance at the location of the former Presidential Drive intersection with George Washington Boulevard. Parcels F and P shall have temporary access to Presidential Drive until such time as the right-of-way is vacated.

(B) [PROFFER REPLACED BY PROFFER 7.A ABOVE]

(C) [PROFFER REPLACED BY PROFFER 7.A ABOVE]

(D) Contributions for Future Route 7/Loudoun County Parkway Interchange.

1. Preliminary Design Plans [PROFFER FULFILLED]

2. Construction Plans. After VDOT and the County approved the preliminary design plans for the Route 7/Loudoun County Parkway interchange on December 15, 2003, the Owners prepared and submitted the preliminary construction plans for the approved single-point urban diamond-style interchange to the County and to VDOT for review and approval on February 15, 2005. The final construction plans were submitted under CPAP 2007-0073. The commitment to prepare the construction plans shall not exceed \$1,000,000, for which the amount shall escalate on an annual basis from a base year of 2003, changing effective each January 1 thereafter based on the Consumer Price Index ("CPI"). This \$1,000,000 commitment includes only the costs of preparing the construction plans and is over and above the costs of preparing the preliminary design plans. If the Owners have expended \$1,000,000 on the construction plans and the construction plans have not been approved by VDOT, the Owners will have the option either to donate the plans to the County and grant ownership rights of the plans to the County for final disposition of the construction plans or continue to process plans for final approval by VDOT and the County.

(E) RIGHT-OF-WAY DEDICATION AND RESERVATION

The Owners shall reserve, and dedicate at no cost to the County, upon written request of the County, concurrent with approval of the construction plan and profiles for the roads listed, the following regional road rights of way, including any temporary and permanent easements outside of the right-of-way that are necessary for the construction of these roads:

1. Any on-site land located on the north side of Route 7 needed for the single-point urban diamond grade-separated interchange design based on the approved Construction Plans and Profiles for the Route 7/Route 607 Interchange pursuant to CPAP 2007-0073.

2. [PROFFER FULFILLED]

3. Any temporary or permanent easements required for the construction of Loudoun County Parkway or George Washington Boulevard.

8. TRANSPORTATION SYSTEM MANAGEMENT PROGRAM (TSM)

The Owners will establish a Transportation System Management Program (TSM) to be implemented by the individual office tenants on the Property for which the objective is to reduce peak hour vehicle trips to and from the Property. The University Center Owner's Association, Inc. will coordinate the TSM Program for University Center pursuant to the existing Amended and Restated Declaration of Covenants, Conditions, Restrictions, Easements and Agreements for University Center recorded at Deed Book 1091, Page 1497 of the Loudoun County land records. The means to achieve this objective over the build-out period for this Property will vary from time to time as knowledge is gained about site specific factors and as the area and region develop. The Owners will implement the coordination of the TSM program, either on their own or through the University Center Owner's Association, Inc., upon occupancy of 1.5 million non-residential square feet within University Center as a whole and will submit documentation to the County regarding the University Center TSM Program prior to occupancy of the 1.5 million non-residential square feet. Elements of this program may include:

- a. Parking policies: paid parking; preferential parking for high occupancy vehicles.
- b. Ridesharing: program coordinator for ride matching, vanpooling.
- c. Flexible work schedules for on-site employers.
- d. Transit service support.
- e. Membership and coordination with other private and public TSM efforts or Transportation Management Associations (TMA's).

9. ON-SITE PUBLIC STREETS

The Owners shall construct any on-site public streets in accordance with VDOT and Loudoun County standards in effect at the time of construction plan and profile approval. Notwithstanding the foregoing sentence, George Washington Boulevard shall be constructed from its current terminus to Loudoun County Parkway pursuant to CPAP 2005-0128, which has been approved by the County and bonded by the Applicant. Parking shall be prohibited on all on-site public streets and appropriate signage will be provided, pursuant to the existing Amended and Restated Declaration of Covenants, Conditions, Restrictions, Easements and Agreements for University Center recorded at Deed Book 1091, Page 1497 of the Loudoun County land records. Individual Parcel access to the on-site public streets is indicated on Sheets 7 and 8 of the CDP. Private street access shall be provided to parcels, which do not have direct access to the on-site public streets, in order to have access to the on-site public street access points depicted on Sheets 7 and 8 of the CDP.

10. HANDICAPPED ENCLAVE

The Owners agree to encourage employers who locate on the Property, including The George Washington University, to establish employment enclaves for mentally disabled workers, pursuant to the existing Amended and Restated Declaration of Covenants, Conditions, Restrictions, Easements and Agreements for University Center recorded at Deed Book 1091, Page 1497 of the Loudoun County land records. The Owners may seek the County assistance in establishing such enclaves. The Owners shall also provide any literature explaining the concept of employment enclaves that may be distributed by the County, to be made available to all employers on the Property.

11. TREE PRESERVATION PROGRAM

The Owners submitted a Specimen Tree Audit to the County in March, 2003, pursuant to the proffers for ZCPA 2000-0009. The Specimen Tree Audit, prepared by Wetlands Studies and Solutions dated April 22, 2003 shall be filed with all site plan applications initiated after the Specimen Tree Audit is completed. These site plan applications shall preserve, to the maximum extent feasible, quality deciduous specimen trees existing on the non-floodplain areas of the Property, as shown on the Specimen Tree Audit.

12. MASTER PLAN AND DESIGN COVENANTS

The Property included in ZCPA 2006-0005 is and shall remain subject to the existing amended and restated Declaration of Covenants, Conditions, Restrictions, Easements and Agreements for University Center recorded at Deed Book 1091, Page 1497 of the Loudoun County land records, as amended by the First Amendment to the Amended and Restated Declaration of Covenants, Conditions, Restrictions, Easements and Agreements for University Center recorded at Instrument #20051003-0112084. The Property included in ZCPA 2006-0005 is and shall remain subject to the existing Design and Development Guidelines for University Center recorded at Deed Book 1091, Page 1587 of the Loudoun County land records. All property owners within the Property will, by virtue of such ownership, be members of the University Center Owner's Association.

13. PRIVATE DRIVES

Private drives within the non-residential areas are to be maintained by the respective lot owners or by the University Center Owner's Association, Inc., and shall be subject to appropriate easements for public emergency or public safety ingress and egress, pursuant to the existing Amended and Restated Declaration of Covenants, Conditions, Restrictions, Easements and Agreements for University Center recorded at Deed Book 1091, Page 1497 of the Loudoun County

land records. Private drives shall be constructed by the respective lot owners in accordance with the Facilities Standards Manual.

14. OPTION TO COUNTY TO PURCHASE PARCEL P-1 [PROFFER EXPIRED]

15. BINDING EFFECT

The undersigned Owners hereby warrant that all of the owners of a legal interest in the Property have signed this proffer statement that all signatories have full authority to bind the Property to these conditions, and that the proffers are entered into voluntarily.

COLLIN EQUITIES, INC.,

A Texas corporation

By: _____

Its: _____

By: _____

Its: _____

STATE OF
CITY/COUNTY OF _____: to-wit:

The foregoing instrument was acknowledged before me, this ____ day of _____, 2007, by _____ and _____, respectively, of Collin Equities, Inc., on behalf of the corporation.

My Commission Expires:

Notary Public

STATE OF
CITY/COUNTY OF _____: to-wit:

The foregoing instrument was acknowledged before me, this ____ day of _____, 2007, by _____ and _____, respectively, of Collin Equities, Inc., on behalf of the corporation.

My Commission Expires:

Notary Public

THE GEORGE WASHINGTON UNIVERSITY

A Federally Chartered Corporation

By: _____

Name: _____

Its: _____

STATE OF
CITY/COUNTY OF _____: to-wit:

The foregoing instrument was acknowledged before me, this ____ day of _____, 2007, by _____ of THE GEORGE WASHINGTON UNIVERSITY, on behalf of the corporation.

My Commission Expires:

Notary Public

MERRITT – UC, LLC
A Maryland Limited Liability Company

By: _____

Name: _____

Its: _____

STATE OF
CITY/COUNTY OF _____: to-wit:

The foregoing instrument was acknowledged before me, this ____ day of _____, 2007, by _____ of Merritt-UC, LLC, on behalf of the company.

My Commission Expires:

Notary Public

CLARKE-HOOK CORPORATION
A District of Columbia Corporation

By: _____

Name: _____

Its: _____

STATE OF
CITY/COUNTY OF _____: to-wit:

The foregoing instrument was acknowledged before me, this ____ day of _____, 2007, by _____ of Clarke-Hook Corporation, on behalf of the corporation.

My Commission Expires:

Notary Public

Akhil Govil

By: _____

STATE OF
CITY/COUNTY OF _____: to-wit:

The foregoing instrument was acknowledged before me, this ____ day of _____, 2007.

My Commission Expires:

Notary Public

MRP/TBG Associates, LLC
A Georgia Limited Liability Company

By: _____

Name: _____

Its: _____

STATE OF
CITY/COUNTY OF _____: to-wit:

The foregoing instrument was acknowledged before me, this ____ day of _____, 2007, by _____ of MRP/TBG Associates, LLC, on behalf of the company.

My Commission Expires:

Notary Public

Geo Real Estate, LLC
A Virginia Limited Liability Company

By: _____

Name: _____

Its: _____

STATE OF
CITY/COUNTY OF _____: to-wit:

The foregoing instrument was acknowledged before me, this ____ day of _____, 2007, by _____ of Geo Real Estate, LLC, on behalf of the company.

My Commission Expires:

Notary Public

EXHIBIT A

Concept Development for ZMAP 2006-0005, University Center

Prepared by Dewberry and Davis, LLC

Dated April 2006 and Revised Through October 16, 2007

EXHIBIT B
ZCPA 2006-0005, University Center
Listing of Prior Approved
Zoning and Subdivision Modifications
October 17, 2007

The Introduction to the proffers for ZCPA 2006-0005, University Center state that while this Zoning Concept Plan Amendment supersedes prior zoning approvals for the Property, the prior zoning and subdivision modifications granted under prior zoning approvals shall remain in effect. Therefore, the following zoning and subdivision modification requests are attached to this proffer statement. The attached documents are copies of the documents used in the two prior zoning cases, which indicate the applicant's intent to merely carry forward prior modification approvals and not request any new or revised modifications.

I. From ZMAP 86-29 – Modifications for the PD-RDP areas of the site

1. 1972 Zoning Ordinance Section 511 – Lot Access Requirements
1972 Zoning Ordinance Section 725.5.b – Minimum Lot Width
Land Subdivision and Development Ordinance Section 1241.04 (31) – Street Definition
Land Subdivision and Development Ordinance Section 1245.01 – Lots and Building Areas
2. 1972 Zoning Ordinance Section 725.5.c.1 – Minimum Front Building Setback
3. 1972 Zoning Ordinance Section 725.5.c.2 – Minimum Rear Setbacks
4. 1972 Zoning Ordinance Section 725.7 – Minimum Landscaped Open Space

II. From ZCPA 1992-0009

1. 1972 Zoning Ordinance Section 511 – Lot Access Requirements
1972 Zoning Ordinance Section 725.5.b – Minimum Lot Width
Land Subdivision and Development Ordinance Section 1241.04 (31) – Street Definition
Land Subdivision and Development Ordinance Section 1245.01 – Lots and Building Areas
2. 1972 Zoning Ordinance Section 725.5.c.1 – Minimum Front Building Setback
3. 1972 Zoning Ordinance Section 725.5.c.2 – Minimum Rear Setbacks
4. 1972 Zoning Ordinance Section 725.5.c.3 – Minimum Setbacks Adjacent to Residential Districts
Land Subdivision and Development Ordinance Section 1245.01 – Lots and

Building Areas

5. 1972 Zoning Ordinance Section 725.7 – Minimum Landscaped Open Space

ATTACHMENTS

Attachment A: ZMAP 86-29 and S.E. 86-39, University Center, Zoning and Subdivision Modifications

Attachment B: University Center, ZCPA 1992-0009, Zoning and Subdivision Modifications

**ZMAP 86-29 AND S.E. 86-39
UNIVERSITY CENTER
ZONING AND SUBDIVISION MODIFICATIONS**

The following is a summary of the modifications, recommended conditions, and findings for approval.

A. MODIFICATIONS FOR PD-RDP AREAS OF THE SITE

1. CONDITION FOR ANY LAND BAY¹ UTILIZING THE REQUESTED MODIFICATIONS:

- a. A minimum (not just a maximum) density and orientation is required. At the time of preliminary subdivision for individual lots within the landbays as depicted on the concept plan or at the time of preliminary site plan for any portion of a land bay, whichever occurs first, the applicant will submit a density plan allocating FAR for individual lots. The "density plan" is to be an administrative use document that is conceptual in nature which will project the planned lots and densities. The intent is to require the consideration and demonstration that the required densities will be met. The density plan is not a subdivision of lots and is not to be recorded. It is recognized that the density plan is not a site plan with final engineering details but rather a planned projection that is likely to be refined as individual sites are developed. The total land bay FAR is not to a) exceed the maximum FAR permitted for the particular land bay and, b) is to be within 10% of said maximum FAR as designated on the concept plan. In any event, the maximum FAR/square footage for the overall tract (all land bays combined) is not to be exceeded. If the FAR for the land bay does not fall within 10% of said maximum FAR, then the modifications for that particular land bay cannot be utilized and the standards of the zoning district (for which modification was approved) must be applied.
- b. To ensure that the sum of the floor area for each lot is working toward the minimum density required and does not exceed the total permitted for the land bay, the applicant will provide to the County for administrative convenience, a table of the floor area assigned and utilized for all lots in each land bay with each subdivision and site plan application.
- c. The density plan for a land bay may be modified to redistribute the FAR among the individual lots if necessary. This may be accomplished by filing a revised density plan at the time of a subsequent subdivision or site plan application. In this event, the minimum density, although redistributed, must be maintained for the land bay.

¹ "Land Bay: refers to the parcels depicted on the Land Use Plan, more specifically the PD-RDP areas are identified by bold alphabetical letters of "B", "C", "D", "E", "F", "G", "H", "I", "J", "L", "N".

-A1-

2. ZONING ORDINANCE SECTION 511 - LOT ACCESS REQUIREMENTS; SECTION 725.5B - MINIMUM LOT WIDTH (PD-RDP); AND LSDO SECTION 1241.04 (31) - STREET DEFINITION; SECTION 1245.01 LOTS AND BUILDING AREAS

These sections require lots to have frontage on a public road, provide a minimum lot width of 200 feet fronting on a public street and define the public street as providing the principal means of access to the property.

MODIFICATION REQUEST: To allow flag or pipestem lots with a 30' minimum frontage with access to be provided through a common circulation system within the land bay. Lots would have frontage on public streets but could possess reduced frontage and could use shared access drives for access to public streets. The effect of this modification will be the utilization of private streets within the individual land bays.

CONDITIONS:

- a. The minimum frontage for any lot will be 30 feet. The reason staff recommends this minimum is that in the event (worst case scenario) access must be provided by an individual lot frontage, 30 feet is the minimum necessary for a standard commercial entrance. Drainage and construction easements may have to be acquired outside the 30' minimum.
- b. Prior to approval of any preliminary site plan or preliminary subdivision for lots using shared access and/or reduced lot frontage, the applicant shall demonstrate to the County that adequate vehicular and pedestrian circulation will be provided and that appropriate cross easements and agreements have been executed to provide permanent access and maintenance for shared driveways and parking facilities. Specifically, information demonstrating how the access drives, parking areas and pedestrian circulation systems work together will be provided for the entire portion of the land bay so affected at the time of submission of preliminary subdivision or preliminary site plan, whichever occurs first.
- c. The design of the internal circulation system including width, access points, alignments, turn-arounds, maneuverability and construction materials and standards shall be subject to review and approval by the County at preliminary site plan stage.

NOTE: Sections 525.5 and 525.7 of the Zoning Ordinance outline the requirements for the utilization of joint parking facilities. Depending on the design of a particular parking facility, it may be necessary for the applicant to obtain a separate special exception under these provisions of the Zoning Ordinance.

Attachment 8
(continued)

-A2-

A-100

3. ZONING ORDINANCE SECTION 725.5.C.1. MINIMUM FRONT BUILDING SETBACK.

This section requires a minimum 50' front setback for building and parking and loading areas adjacent to a public street.

MODIFICATION REQUEST: To allow a 25' front setback for building and parking and loading areas for the three public cul-de-sac streets as shown on the setback/subdivision plan. The permitted height would not be altered.

CONDITIONS:

- a. No loading area is to be allowed in front of the building with the reduced front setback. Loading areas for structures utilizing the 25' setback will need to be located on the side or rear a minimum of 50' from the public street with appropriate buffering/screening.
- b. Screening will be provided between parking and driveway areas and the public street subject to County approval. A landscape/buffering plan will be submitted with the preliminary site plan for review and approval by the County. Additional landscaping treatment beyond the minimum district standards may be required to ensure adequate screening to offset the impact of bringing buildings and parking areas closer to the street. The landscape plan is to specify the size, type, location and maintenance of the landscaping.

4. ZONING ORDINANCE SECTION 725.5.C.2. MINIMUM REAR SETBACKS.

This section requires a minimum rear setback of 60 feet. Parking and loading may be allowed in this area but must be setback 20 feet from the rear property line.

MODIFICATION REQUEST: To allow an elimination of the rear setback requirement. It is intended that this modification would enable the close proximity of buildings to plazas and the joint construction of parking lots and structures to achieve a common sharing of facilities, pedestrian orientation and clusters of internal density to assist in TSM effectiveness.

CONDITIONS:

- a. Prior to the approval of any site plan proposing the elimination of the rear setback, the applicant shall demonstrate to the County that each abutting and/or adjoining lot or lots which possesses a common property line with a rear lot line for which a setback elimination is sought will have:

Attachment 8
(continued)

-A3-

A-101

4. ZONING ORDINANCE SECTION 725.5.C.2. MINIMUM REAR SETBACKS CON'T.

CONDITIONS Con't:

- Adequate vehicular and pedestrian circulation.
 - Appropriate executed cross easements and agreements to provide permanent access and maintenance for shared facilities.
 - Adequate distance between structures exists for emergency and fire safety purposes.
- b. Building locations must be made under unified control sensitive to the interrelationship of buildings.
- c. A design plan depicting the interrelationship of floor area ranges, building coverage ranges, required open space, required parking, and relationship to adjoining and/or abutting buildings must be submitted for the particular land bay at the time of preliminary site plan for any portion of the land bay where the modification is to be utilized. The intent of the design plan is to demonstrate that the adjoining lots (as defined under "a" above) will be developed in a compatible pattern given the setback elimination. The design plan should contain adequate detail to indicate the planned design but is not intended to be an engineered site plan for the adjoining lot. The lot which is the subject of the setback elimination will be a site plan.

5. ZONING ORDINANCE SECTION 725.7 - MINIMUM LANDSCAPED OPEN SPACE

This section requires a minimum landscaped open space on an individual lot of not less than .20 times the buildable area of the lot.

MODIFICATION REQUEST: The proposed modification retains a 20% open space requirement but allows an aggregation of open space within the land bays (as depicted on the proffered land use plan) as opposed to providing all required open space on an individual lot basis. Individual lots would still maintain open space areas (i.e. such as in the front setback) but would not be required to meet a 20% minimum. Instead, the 20% minimum requirements would be applied to the overall land bay with the difference between what is provided on individual lots and the 20% requirement aggregated within the land bay. The purpose of this modification is to allow the opportunity to create more usable open space area within the land bay that would be accessible to the entire land bay.

CONDITIONS:

1. Prior to the approval of any preliminary site plan for lots utilizing an aggregation of open space, a design plan depicting the inter-relationship of the individual lot development and the centralized open space area must be submitted for the particular land bay. More specifically, the plan must illustrate the individual site building location, the vehicular and pedestrian circulation, the design of the open space area and the access thereto. Further, aggregated open space must be subject to common right of access for all lots to which the open space ratio has been reduced below .20, and this common right of access and responsibility for maintenance of the aggregated open space area must be formalized by instruments recorded in the land records at or before site plan approval for any portion of the land bay utilizing this modification.
2. The Open Space area must be readily accessible to all lots in the land bay relying on the aggregated area. The Open Space area is to be pedestrian oriented and create a useable outdoor area.
3. Adequate pedestrian circulation will be provided.
4. Appropriate cross easements and agreements will be executed to provide permanent access and maintenance for shared facilities.
5. A landscaping plan for the open space areas will be submitted for review and approval.

B. MODIFICATIONS REQUESTED FOR PD-H AREAS OF THE SITE

1. ZONING ORDINANCE SECTION 702.3.3.1; LSDO SECTIONS 1245.05 AND 4.100. These sections require public streets to serve individual residential lots.

MODIFICATION REQUEST: To allow the use of private streets.

CONDITIONS:

- a. The design of the private streets including width, access points, alignments, turnarounds, maneuverability and construction materials and standards shall be subject to review and approval by the County at preliminary site plan stage or at preliminary subdivision for individual lots within the residential land bay, whichever occurs first.

Attachment 8
(continued)

-A5-

A-103

EXHIBIT F

UNIVERSITY CENTER
ZCPA 1992-0009
ZONING AND
SUBDIVISION MODIFICATIONS

1. Condition for any Land Bay¹ Utilizing the Requested Modifications:

- A. A minimum (*not just a maximum*) density and orientation is required. At the time of preliminary subdivision for individual lots within land bays as depicted on the concept plan or at the time of preliminary site plan for any portion of a land bay, whichever occurs first, the applicant will submit a density plan allocating FAR for individual lots. The "*density plan*" is to be an administrative use document that is conceptual in nature which will project the planned lots and densities. The intent is to require the consideration and demonstration that the required densities will be met. The density plan is not a subdivision of lots and is not to be recorded. It is ~~recognized that the density plan is not a site plan with final~~ engineering details but rather a planned projection that is likely to be refined as individual sites are developed. The total land bay FAR is not to a) exceed the maximum FAR permitted for the particular land bay and, b) is to be within 20% of said maximum FAR as designated on the concept plan. In any event, the maximum FAR/square footage for the overall tract (*all land bays combined*) is not to be exceeded. If the FAR for the land bay does not fall within 20% of said maximum FAR, then the modifications for that particular land bay cannot be utilized and the standards of the zoning district (*for which modification was approved*) must be applied.

¹"Land Bay: refers to the parcels depicted on the Land Use Plan, more specifically the PD-RDP areas are identified by bold alphabetical letters of "D, E, F, G-West, H, I, L, N."

EXHIBIT F
ZCPA 1992-0009
UNIVERSITY CENTER
ZONING AND SUBDIVISION MODIFICATIONS

October 14, 1992 Page 2

- B. To ensure that the sum of the floor area for each lot is working toward the minimum density required and does not exceed the total permitted for the land bay, the applicant will provide to the County for administrative convenience, a table of the floor area assigned and utilized for all lots in each land bay with each subdivision and site plan application.
- C. The density plan for a land bay may be modified to redistribute the FAR among the individual lots if necessary. This may be accomplished by filing a revised density plan at the time of a subsequent subdivision or site plan application. In this event, the minimum density, although redistributed, must be maintained for the land bay.

2. Zoning Ordinance Section 511 - Lot Access Requirements: Section 725.5B - Minimum Lot Width (PD-RDP): And LSDO Section 1241.04 (37) - Street Definition: Section 1245.01 Lots and Building Areas

These sections require lots to have frontage on a public road, provide a minimum lot width of 200 feet fronting on a public street and define the public street as providing a principal means of access to the property.

Modification of these sections will provide for access to lots via private drives and private access easements, development of lower scale buildings closer to the street edge, shared parking and access for buildings and lots.

3. Zoning Ordinance Section 725.5.c.1. Minimum Front Building Setback.

This section requires a minimum 50' front setback for building and parking and loading areas adjacent to a public street.

Modification of this section provides for the placement of buildings closer to the street edge thereby providing for a more urban traditional design at University Center.

-B2-

A-105

EXHIBIT F
ZCPA 1992-0009
UNIVERSITY CENTER
ZONING AND SUBDIVISION MODIFICATIONS

October 14, 1992 Page 3

4. Zoning Ordinance Section 725.5.c.2. Minimum Rear Setbacks.

This section requires a minimum rear setback of 60 feet. Parking and loading may be allowed in this area but must be setback 20 feet from the rear property line.

Modification of this section provides for placement of buildings and parking closer to the street edge to provide for an urban streetscape and design at University Center.

5. Zoning Ordinance Section 725.5.c.3 - Minimum Setbacks Adjacent to Residential Districts: LSDO Section 1245.01 - Lots and Building Areas

These sections require a 100-foot building setback and a 50-foot parking setback from any boundary with a residential zoning district.

Modification of these sections provides for the location of buildings and/or parking within 50-feet of a residential property boundary.

6. Zoning Ordinance Section 725.7 - Minimum Landscaped Open Space

This section requires a minimum landscaped open space on an individual lot of not less than .20 times the buildable area of the lot.

Modification of this section provides for the location of parking structures and buildings within land bays to comply with the urban traditional design concepts of University Center.

PROFFERS/EXHIBITS

-B3-

A-106